

REMARKS

Claims 1, 2, 4-6 and 16-20 are now in this application. As requested, applicant confirms he has provisionally elected the species defined by these claims. However, applicant objects to this restriction requirement as it is not in accordance with MPEP and CFR rules. The structures in the application are connected in design operation and effect and thus do not meet the "independent" requirement to uphold a restriction requirement. Moreover, there is no serious burden on the examiner so as to require restriction (MPEP 802.01) Accordingly, it is respectfully requested that the restriction requirement be withdrawn and all claims be considered.

Furthermore, applicant respectfully disagrees that claims 1-6 and 16-20 have been anticipated by the Smith reference. The claims are anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim. More importantly, the elements must be arranged as required by the claim although identity of terminology is not required (MPEP 2131).

As the Smith patent refers to a grasping device for a surveyor's tape and not an arrow, the claims must be so considered. Claim 1 requires a block to be mounted to the plate in a path having first and second positions. The cited plate in Figs. 2 and 3 has no such block mounted thereto. The Smith clutch element 62, not mounted to the plate, merely slides therealong.

In claim 2 the axis of the handle in Smith is not positioned relative to the clamped tape such that pulling forces are similarly transferred thereto. The pulling forces cannot be transferred along the length of the tape in Smith, as along applicant's clamped

arrow shaft, as the axis of the Smith-handle intersects with the axis of the tape. Thus, twisting force is presented which is directly contrary to the objectives of applicant's invention. (Application, page 2, paragraph 5; page 5, paragraphs 23, 24.)

Claim 3 recites a free edge, i.e., a border, along the block which inherently bears against the shaft. As disclosed and claimed in Smith, the clutch 62 tangentially bears against the tape (page 4, line 12). Such a one point contact will not spread the forces along the shaft of an arrow resulting in twisting, warping, etc. (Application page 5, paragraph 24.) Thus claim 2 has not been anticipated.

Claim 4 requires a slot/post combination on the plate/block combination which cooperate to define the path of such block between the first and second positions. No such structure is disclosed in Smith. The Smith clutch 62, not mounted to a plate, moves in a straight-line path as it is at the end of a bar 53. No slot/post combination defines the path of this clutch.

As in claim 5, no angular slot is found in Smith which defines the block path so as provide the block displacements as claimed therein. The Smith 90 degree slot will not provide a longitudinal displacement relative to said shelf as claimed.

In claim 6, no friction fit is provided in Smith as in applicant's invention. Smith uses a spring biased clutch wedged between the converging walls so as to present a tangential contact of the clutch against one of the walls with the tape therebetween. As in applicant's invention, no unbiased friction fit precludes the clutch from moving from its contact.

As to claim 16 the arguments of original claim 1 are incorporated herein. The movement of at least one of the clamping surface relative to the other provides for a

friction fit with the arrow. As above, Smith provides no such engagement as the spring bias provides a wedge-like effect to provide a tangential engagement of the cylindrical clutch with the surveyor's tape.

As to claim 17, the comments of claim 2 are incorporated herein.

As to claim 18, the comments of claim 2 are incorporated herein.

As to claim 19, the comments of claim 4 are incorporated herein.

As to claim 20, the comments of claim 5 are incorporated herein.

With no admission of propriety of the examiner's rejection and denying any estoppel effect, applicant has amended the claims to better set forth his invention. Applicant has set forth in claims 1 and 16 the relationship of a flat longitudinally extending shelf and flat block surface or opposed flat clamping surfaces (Claim 16) which are in a parallel relationship. Thus at the second position the arrow is clamped at a plurality of points therebetween. The longitudinal extent of this clamping along with the handle position presents the objectives of applicant's invention (Application, page 1, paragraph 2; page 2, paragraph 9; page 4, paragraph 22; page 5, paragraph 23; page 5, paragraph 24.)

Claim 1 has been amended to better set forth this parallel relationship between the longitudinal planar surface of the shelf and the longitudinal planar surface of the free edge of the block so as to clamp the arrow shaft therebetween at a plurality of parallel points along the arrow shaft. The flat parallel surfaces assure the desired contact with the arrow shaft (Application, page 5, paragraph 24). Such structure is unlike the structure shown in Smith which provides only a tangential point of contact. As such, the

objectives of applicant's inventions are achieved as the longitudinal extension of the planar surfaces transmits a pulling force initiated at the handle thereon (page 5, paragraph 24).

Moreover, the longitudinal surface of the block and its lateral and longitudinal displacements present a bearing, locked relationship against the arrow precluding the movement of the block away from the arrow shaft (page 4, paragraph 22). No such structure is shown in Smith, as the Smith clutch is held in position by a spring bias converging wall combination, unlike in applicant's claimed invention.

Claims 1 and 2 have also been amended to address the examiner's 35 USC §112 concerns as to the handle position. As above, the imaginary axis of the handle is positioned relative to the shaft axis such that the forces along the handle axis are transferred along the shaft axis. No such function is possible in Smith as the axis of the tape in Smith intersects with an imaginary axis extending from the handle. This Smith relationship may result in an undesirable twisting, binding and breakage. (Application, page 1, paragraph 3; page 2, paragraph 5; page 5, paragraph 24).

In light of the amendment of claim 1, claim 3 has been cancelled.

As to claim 4, Smith does not disclose the claim 4 structure. The aperture in Smith does not cooperate with a post (uncited by Examiner) which defines the block path. The clutch path in Smith is a straight-line path as defined by rod 53. As in claim 5, Smith does not show the acute aperture position which defines applicant's block path so as to provide the desired lateral and longitudinal displacements as claimed.

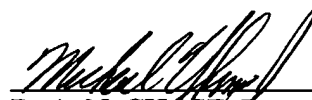
As to claim 6, Smith shows no friction fit engagement of a longitudinal surface with the tape. The wedge-like type structure in Smith does not provide such a friction fit engagement as in applicant's claimed invention.

The above arguments as to claims 1, 2, 4-6 are incorporated into allowance of claims 16-20.

Claim 16 has been amended in a manner similar to claim 1 to set forth the relationship between the planar clamping surfaces such that the lateral and longitudinal displacements between the clamping surfaces are changed so as to provide engagement at a plurality of points along the shaft unlike the tangential clutch in Smith. Such movement is further distinguished from Smith by the slot/post combinations (claims 19, 20) as in claims 4, 5. Moreover, the Smith handle cannot properly direct forces as in the claimed handle to present twisting, warping, etc. (claims 17, 18).

Accordingly, having responded to the examiner's office action, reconsideration and allowance of the claims in this application is respectfully requested. Also, it is respectfully requested that the restriction requirement be removed and that all claims be addressed in the examiner's office action.

Respectfully submitted,



D. A. N. CHASE, Reg. #20,682
MICHAEL YAKIMO, JR., Reg. #28,549
GINNIE C. DERUSSEAU, Reg. #35,855
JAMES J. KERNELL, Reg. #42,720
CHASE LAW FIRM, L.C.
4400 College Boulevard, Suite 130
Overland Park, Kansas 66211
Telephone: (913) 339-9666

Attorneys for Applicant